

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/244,715 02/04/99 LASTER

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LM02/0927

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EXAMINER

MOORE, J

ART UNIT	PAPER NUMBER
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2745

DATE MAILED:

09/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/244,715	LASTER, MAURICE SCOTT
	Examiner James K Moore	Art Unit 2745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) Responsive to communication(s) filed on _____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 22 is/are allowed.

6) Claim(s) 1-5,8-11 and 15-18 is/are rejected.

7) Claim(s) 6,7,12-14 and 19-21 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) _____.

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

18) Interview Summary (PTO-413) Paper No(s). _____.

19) Notice of Informal Patent Application (PTO-152)

20) Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott. Regarding claim 15, Scott discloses a control means that is provided for monitoring the dialing of a telephone number by a user of a mobile telephone and is operative for communicating a message to a data messaging network for relaying the message to a platform to complete a call using the platform without requiring that the user dial any additional numbers. See col. 16, lines 1-13. It is inherent from Scott that the mobile telephone is for use with a telephony network and has an internal data messaging device and a keypad for dialing a telephone number. Regarding claim 17, Scott shows a control means that is operative for transmitting a message without requiring that a user do anything more than dial a telephone number. See col. 16, lines 1-13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of material disclosed by the inventor in the specification. Regarding claim 1, Scott shows steps of capturing a telephone number dialed by a user of a mobile telephone; transmitting a data message, which includes the dialed

telephone number and the mobile telephone identification, to a data network; and relaying the data message from the data network to a platform. See col. 16, lines 1-13. However, Scott does not show steps of placing a first call from the platform to the mobile telephone, placing a second call from the platform to the number dialed, and connecting the first and second calls to each other. The inventor discloses in the specification that there are known callback services that are used to reduce rates on long distance calls comprising the steps of placing a first call from the platform to the mobile telephone, placing a second call from the platform to the number dialed, and connecting the first and second calls to each other. See p.1, line 30 through p.2, line 4. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps of placing and connecting calls as disclosed by the inventor to previously exist with the data messaging steps disclosed by Scott in order to reduce long distance charges.

Regarding claims 3 and 10, Scott shows a data message that is transmitted without requiring that the user do anything more than dial the telephone number initially. See col. 16, lines 1-13.

Regarding claim 8, the inventor's specification discloses that mobile telephones are already known which comprise circuitry for connecting the mobile telephone to a telephony network, an internal data messaging device for communicating with a data network, and a user input interface for initiating telephone calls, including for dialing telephone calls. See p. 7, lines 26-29. The specification does not show that control means for monitoring a telephone number dialed by a user and responsive to the dialing

of certain telephone numbers for transmitting a message from an internal data messaging device to a data network to initiate a call from a platform does exist. Scott shows a control means for monitoring a telephone number dialed by a user and responsive to the dialing of certain telephone numbers for transmitting a message from an internal data messaging device to a data network to initiate a call from a platform. See col. 16, lines 1-13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ Scott's control means with the telephone disclosed by the inventor in the specification to previously exist in order to initiate a call from a platform.

7. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of material disclosed in the inventor's specification as applied to claims 1 and 8, respectively, above, and further in view of Schmidt. Regarding claims 2 and 9, Scott, as modified by the disclosure in the inventor's specification, lacks the feature of a call that is automatically answered by a mobile telephone. Schmidt teaches a mobile phone that will automatically answer specific incoming calls. See col. 2, lines 19-24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Schmidt's automatic answering feature with the invention of Scott, modified by the disclosure from the inventor's specification in order for the phone to automatically answer a call placed from the platform.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of material disclosed in the inventor's specification as applied to claim 1 above, and further in view of Comer. Regarding claim 4, Scott, as modified by the

disclosure in the inventor's specification, does not show that a message relayed from a data network to a platform includes the telephone number of a mobile telephone. Comer shows a data message that is transmitted to a network that includes the telephone number of a calling mobile telephone in order to identify the caller. See col. 10, lines 5-32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the telephone number in the data message, as taught by Comer, with the invention of Scott, as modified by the inventor's specification, to provide means of identifying the calling mobile telephone.

9. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of material disclosed in the inventor's specification as applied to claims 1 and 8, respectively, above, and further in view of Vo. Regarding claims 5 and 11, Scott, as modified by the disclosure in the inventor's specification, does not disclose the use of Short Messaging for the data network. Vo discloses that Short Messaging may be used to provide an efficient means of transmitting data messages. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Short Messaging for the data network, as shown by Vo, with the invention of Scott as modified by the disclosure from the inventor's specification, in order to transmit data messages efficiently.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Schmidt. Regarding claim 16, Scott lacks the feature of a call that is automatically answered by a mobile telephone. Schmidt teaches a mobile phone that will automatically answer specific incoming calls. See col. 2, lines 19-24. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to use Schmidt's automatic answering feature with the invention of Scott in order for the phone to automatically answer a call placed from the platform.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Vo. Regarding claim 18, Scott does not disclose the use of Short Messaging for the data network. Vo discloses that Short Messaging may be used to provide an efficient means of transmitting data messages. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Short Messaging for the data network, as shown by Vo, with the invention of Scott in order to transmit data messages efficiently.

Allowable Subject Matter

12. Claims 6, 7, 12, 13, 14, 19, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 6 and 7, prior art fails to disclose a step of comparing a telephone number dialed by a user with a look-up table to determine if the telephone number dialed should be placed directly or should instead be placed using a platform.

Regarding claims 7, 14, and 21, prior art fails to disclose a look-up table which is updated time to time using data messages transmitted to a mobile telephone.

Regarding claims 12 and 19, prior art fails to disclose a means for monitoring a telephone number dialed by a user that is used to determine whether a telephone call should be placed directly or instead the call should be placed using a platform.

Regarding claims 13, 20, and 21, prior art fails to disclose a control means that is operative for comparing a telephone number dialed by a user with a look-up table to determine if the telephone number dialed should be placed directly or should instead be placed using a platform.

13. Claim 22 is allowed. Regarding claim 22, prior art fails to control means that is operative for determining whether to place a call directly or to place the call using a platform based on the relative costs of each.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED"

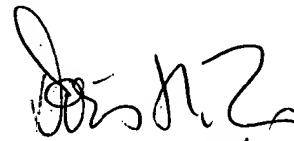
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The Examiner can normally be reached on Monday-Friday from 8:00 AM - 4:30 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ken Moore
9/22/00


9/25/00
DORIS H. TO
PRIMARY EXAMINER